

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

COOPER-STANDARD AUTOMOTIVE, INC.,

Plaintiff,

v.

Case No. 22-cv-11083
Hon. Matthew F. Leitman

AMPHENOL THERMOMETRICS, INC., *et al.*,

Defendants.

**ORDER (1) GRANTING IN PART AND DENYING IN PART MOTION BY
AMPHENOL THERMOMETRICS, INC. AND AMPHENOL ADVANCED
SENSORS PUERTO RICO, LLC, TO DISMISS FIRST AMENDED
COMPLAINT (ECF No. 12); (2) DENYING MOTION BY COOPER-
STANDARD AUTOMOTIVE, INC. TO DISMISS FIRST AMENDED
COUNTERCLAIM (ECF No. 29); AND (3) GRANTING COOPER-
STANDARD AUTOMOTIVE, INC. LEAVE TO FILE SECOND AMENDED
COMPLAINT TO CORRECT REFERENCE TO STANDARD
TERMS AND CONDITIONS**

Now pending before the Court are the following two motions: a motion (ECF No. 12) by Amphenol Thermometrics, Inc. and Amphenol Advanced Sensors Puerto Rico, LLC to dismiss the First Amended Complaint (the “Amphenol Motion to Dismiss”) and a motion (ECF No. 29) by Cooper-Standard Automotive, Inc. to dismiss the First Amended Counterclaim (the “Cooper-Standard Motion to Dismiss”). The Court held a hearing on both motions on March 14, 2023. For the reasons explained on the record during the hearing, IT IS HEREBY ORDERED THAT:

1. The Amphenol Motion to Dismiss is **GRANTED** to the extent that it seeks dismissal of the claims in the First Amended Complaint for Breach of Implied Warranty of Merchantability (Count IV), Breach of Implied Warranty of Fitness for Particular Purpose (Count V), Quantum Meruit/Unjust Enrichment (Count IX), Tortious Interference With Contract (Count X), and Tortious Interference With Business Relationship or Expectancy (Count XI). The aforementioned claims are **DISMISSED WITH PREJUDICE**. The Amphenol Motion to Dismiss is **DENIED** in all other respects.
2. The Cooper-Standard Motion to Dismiss is **DENIED**.
3. Cooper-Standard Automotive, Inc., is granted leave to file a Second Amended Complaint for the sole purpose of correcting the erroneous reference to Standard Terms and Conditions identified in the Amphenol Motion to Dismiss. Cooper-Standard Automotive, Inc. shall file such Second Amended Complaint by not later than March 31, 2023.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: March 14, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 14, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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